<p style="text-align:center;">**Remarks**</p>

1.   Summary of Office Action

In the Office Action mailed on September 8, 2004, the Examiner rejected claims 1-6, 8-13, and 15 as being obvious over a combination of U.S. Patent No. 5,857,102 (Wright) and U.S. Patent No. 6,070,174 (Blount). Further, the Examiner rejected claims 7, 14, and 16 as being obvious over a combination of Wright, Blount, and the background section of Applicants' specification (pp. 3 and 4).

2.   Status of Claims

The Examiner has allowed claim 17. Applicants have amended claims 1, 3, 9, and 15 to recite the invention more particularly, as fully supported by Applicants' specification. Applicants have also amended claims 7, 14, and 16 to clarify the term "PRL", and claims 2 and 6 to correct minor typographical errors.

Presently pending in this application are claims 1-17, of which claims 1, 3, 9, 15, and 17 are independent and the remainder are dependent.

3.   Response to § 103 Rejections of Claims 1-6, 8-13, and 15

As noted above, the Examiner rejected claims 1-6, 8-13, and 15 under 35 U.S.C. § 103(a) as being obvious over a combination of Wright and Blount.

i.   The Claimed Invention

Applicants' claimed invention involves automatically transmitting a data download to a mobile wireless unit without the need for human intervention. More particularly, the data download is automatically transmitted to the mobile wireless unit in accordance with at least one transmission rule as defined by at least one priority data structure.

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In this regard, each of independent claims 1, 3, 9, and 15, as amended above, recites the limitations of the at least one priority data structure comprising a table selected from the group consisting of: (i) a *priority mapping table* indicating a priority assigned to the data download based at least on a number of attempts to transmit the data download to the mobile wireless unit, (ii) an *off-peak setting table* indicating at least one time range for transmitting the data download to the mobile wireless unit, and (iii) a *resource allocation table* indicating at least an amount of processor resources allocated to the data download.

For instance, as described in Applicants' specification, one particular example of a priority mapping table is a table having (i) a priority column, (ii) a number of off-peak attempts column, (iii) a number of peak attempts column, and (iv) a plurality of rows. Each row defines a transmission rule. Each row includes (i) an assigned priority, (ii) a number of attempts to download data during off-peak hours, and (iii) a number of attempts to download data during peak hours.

One particular example of an off-peak setting table is a table having (i) a day-of-week column, (ii) an off-peak start time column, (iii) an off-peak end time column, and (iv) seven rows. Each row defines a transmission rule. Each row corresponds to (i) a day of the week, (ii) a specified off-peak starting time for downloading data, and (iii) a specified off-peak ending time for downloading data.

Further, one particular example of a resource allocation table is a table having (i) a priority column, (ii) a resource allocation percentage column, and (iii) a plurality of rows. Each row defines a transmission rule. Each row includes a percentage of processor resources assigned to data downloads having a certain priority.

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ii.   The Combination of Wright and Blount
        Does Not Teach the Claimed Invention

According to M.P.E.P. § 2143, in order to establish the required *prima facie* case of obviousness of a claimed invention by applying a combination of references, the proposed combination must teach or suggest all of the elements of the claimed invention. Applicants respectfully traverse the rejections of claims 1-6, 8-13, and 15, because the combination Wright and Blount fails to disclose or suggest all of the claim limitations of any of these claims.

Namely, the proposed combination of Wright and Blount fails to teach or suggest at least the presently claimed limitations of: at least one priority data structure comprising a table selected from the group consisting of: (i) a priority mapping table indicating a priority assigned to a data download based at least on a number of attempts to transmit the data download to a mobile wireless unit, (ii) an off-peak setting table indicating at least one time range for transmitting the data download to the mobile wireless unit, and (iii) a resource allocation table indicating at least an amount of processor resources allocated to the data download.

Wright teaches a client/server system and method to access enterprise data sources on an occasional basis. More specifically, a mobile client can occasionally connect to a server that maintains an enterprise database. Upon connection, the server can query the client database, add data to the client database, or remove data from the client database. (*See* Wright, e.g., at col. 5, lines 46-59.)

To the extent relevant, Wright teaches that the mobile client must connect to the server for short periods of time during which specified task(s) are performed between the client and the server without user intervention. In this regard, Wright generally discloses the use of communication agents, which are software "objects" designed to "encompass the fundamental operations that are needed to exchange data between a client and a host for a particular

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application" (e.g., as noted by the Examiner, communication agents may specify a particular transport to minimize the cost of a connection). (*See* Wright, e.g., at col. 6, lines 46-67 and at col. 7, lines 1-20.)

Applicants, however, do not find in Wright any teaching of the specific priority data structure that is presently claimed by Applicants and recited above. Further, Applicants respectfully submit that Blount fails to make up for these deficiencies of Wright.

Blount teaches a system in which a web browser running on a mobile client can intermittently connect to a server to submit web requests for processing at the server. According to Blount, once the server-side processing results in a response to a request, "propagating data back to the client may be rule-based."

At best, Blount discloses that the mobile client can provide the server with a preference list consisting of a sequence of name/value pairs that specify the rules under which data should be automatically transferred to the client. As *generally* disclosed in Blunt, some of the attributes may include priority, size, source, etc. (*See* Blount, at col. 11, lines 52-67 and col. 12, lines 1-30).

Blunt, however, does not teach or suggest the specific elements recited in any of claims 1-6, 8-13, and 15. In particular, Blunt does not teach or suggest at least the presently claimed limitations of: at least one priority data structure comprising a table selected from the group consisting of: (i) a priority mapping table indicating a priority assigned to a data download based at least on a number of attempts to transmit the data download to a mobile wireless unit, (ii) an off-peak setting table indicating at least one time range for transmitting the data download to the mobile wireless unit, and (iii) a resource allocation table indicating at least an amount of processor resources allocated to the data download.

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Because the combination of Wright and Blount fails to disclose or suggest all of the claim limitations of any of claims 1, 3, 9, and 15, as amended above, a *prima facie* case of obviousness does not exist. Therefore, Applicants respectfully submit that claims 1, 3, 9, and 15 are in condition for allowance. In addition, each of claims 2, 4-6, 8, and 10-13 depends on either claim 1, 3, 9, or 15 and therefore incorporates all of the elements of respective claim 1, 3, 9, or 15. Thus, by virtue of this dependence, Applicant submits that claims 2, 4-6, 8, and 10-13 are also in allowable form.

4.   Response to § 103 Rejections of Claims 7, 14, and 16

As further noted above, the Examiner rejected claims 7, 14, and 16 on grounds of obviousness over a combination of Wright, Blount and the background section of Applicants' specification disclosing a preferred roaming list (PRL). Applicants traverse the rejections with respect to claims 7, 14, and 16, because the combination of Wright, Blount and the background section of Applicants' specification does not teach all of the elements of any of these claims, as required to establish a *prima facie* case of obviousness.

Each of claims 7, 14, and 16 depends on either claim 3, 9, or 15 and necessarily incorporates all of the limitations of respective claim 3, 9, or 15. As discussed above, Wright and Blount, separately or in combination, fail to teach the invention of any of claims 3, 9, or 15. Therefore, Wright and Blount also fail to teach or suggest the invention as recited in each of claims 7, 14, and 16. Further, Applicants respectfully submit that the background section of Applicants' specification fails to overcome the deficiencies of Wright and Blount described above.

In particular, the background section of Applicants' specification does not teach pre-existing knowledge of the element: at least one priority data structure comprising a table

selected from the group consisting of: (i) a priority mapping table indicating a priority assigned to a data download based at least on a number of attempts to transmit the data download to a mobile wireless unit, (ii) an off-peak setting table indicating at least one time range for transmitting the data download to the mobile wireless unit, and (iii) a resource allocation table indicating at least an amount of processor resources allocated to the data download.

Applicants do not concede that the representations made more specifically by the Examiner with respect to dependent claims 7, 14, and 16 are correct. However, Applicants submit that those other points are moot in view of the fact that the cited combination fails to teach or suggest the invention as recited in each of parent claims 3, 9, and 15.

5.   Comments on Allowable Subject Matter

Applicants thank the Examiner for allowing claim 17.

6.   Conclusion

In summary, Applicants respectfully submit that each of pending claims 1-17 is allowable. Favorable reconsideration and allowance is requested.

Respectfully submitted,

**McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Date: December 3, 2004   By: _Joanna Skyles_
                                Joanna Skyles
                                Reg. No. 54,454

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